IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1774 OF 2005

Smt. Shanta S. Bhole ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr.Rajendra Shirodkar, for the Applicant.

Mr.K.V. Saste, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

24th March 2005

P.C.:

. Heard Counsel for the parties. It is seen that the Applicant is about 61 years of age. It is stated on affidavit that the Applicant is suffering from cataract problem in both the eyes. As a result, her vision is impaired and she cannot see properly. While walking, she has to take support of somebody in view of her poor eye sight. It is also stated on affidavit that in

the month of February 2005, the Applicant had a fall in the bath room because of giddiness and broke her glasses. The fact that the Applicant ws sent for thorough medical check up to J.J. Hospital by the Jail authorities is not in dispute. Learned A.P.P., however, relied on the latest certificate issued by the medical officer of the concerned jail to contend that the health condition of the Applicant is not precarious as is being suggested. Mr. Shirodkar, appearing for the Applicant, states with utmost responsibility that he had occasion to interview the Applicant personally as he is also appearing as her Advocate in the trial Court and the fact mentioned in the affidavit of Mrs. Meena Suresh Shah is correct. He states that he has personally seen that both the eyes of the Applicant are inflicted with cataract problem and her vision is impaired and she cannot see properly. The medical certificate produced across the Bar makes no reference to this fact. Besides, the Applicant is female and 61 years of age. There is no reason to doubt the statement made by the Advocate appearing for the Applicant of good standing and is an Officer of the Court.

The investigating officer, who is personally present in Court, is unwilling to file any affidavit to contradict the statement made by the Advocate for the Applicant. In this situation, I think it appropriate to accede to the prayer in this application on the following terms.

(A) The Applicant is directed to be released on bail in connection with CR.No.167/2004 registered with MHB Colony Police Station on executing personal bond in the sum of Rs.10,000/- (Rupees Ten thousand only) with one local surety in the like amount.

(B) The Applicant shall appear before the trial Court on all the appointed dates unless expressly exempted by the trial Court for the reasons it may find necessary. In the event, the trial Court is of the opinion that the Applicant is responsible for the delay of the trial in any manner, that fact be recorded in the roznama, which can be ground for cancellation of bail.

(C) The Applicnt shall not influence the prosecution witnesses nor shall tamper with the prosecution evidence in any manner whatsoever.

. Application disposed of on the above terms.

(A.M.KHANWILKAR,J.)